

REMARKS

Claims 1, 4-5, 8, 10-13, 23-24, 26, 32-33, 36-37, 45, 48-49 and 52-57 are pending in the present application. By this reply, claims 2-3, 6-7, 9, 14-22, 25, 27-31, 34-35, 38-44, 46-47 and 50-51 have been canceled. Claims 8, 23, 24 and 45 are non-elected claims. Applicants reserve the right to file a Divisional application without prejudice or disclaimer. Also, new claims 52-57 have been added according to the elected embodied invention. Claims 1, 26 and 48 are independent.

The claims have been amended to clarify the invention and to correct minor informalities according to U.S. patent practice. These modifications do not add new matter.

35 U.S.C. § 102 and § 103 Rejections

Claims 1 4-5, 9-14, 17-18, 21-22, 25-29, 32-33, 36-38 and 46-51 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Takahashi (US2006/0077827). Claims 2-3, 6-7, 15-16, 19-20, 30-31, 34-35 and 39-44 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Martens (US2005/0083830). These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

Regarding independent claim 1, Takahashi fails to teach or suggest, *inter alia* “recording at least one temporary defect list pointer as position information indicating a position of a respective recording unit in the recorded temporary defect list in the temporary defect management area” as recited in claim 1. For instance, as shown in Figure 7A, Applicants’ invention provides a pointer which points to a position of a respective recording unit in the temporary defect list. For example, at Stage 2, two pointers P2 and P3 respectively point to two recording units (indicated by the bolded lines) for the recorded temporary defect list. That is, there is a pointer for each recording unit of the temporary defect list, for pointing to the position of the respective recording unit.

In clear contrast, as shown in Figure 6, Takahashis’ pointer (4B of the secret list area) merely points to the position of the Secret Area in the user area A2 and does not teach a pointer that indicates a position of a respective recording unit in the temporary defect list. That is, in Takahashi, the pointer (e.g., 4B) points to the position of the temporary defect management area,

whereas in the Applicants' invention, the pointer points to a position of a respective recording unit in the temporary defect list as claimed. Other independent claims 26 and 48 recite similar features but are directed respectively to a recording medium and an apparatus.

Furthermore, Martens fails to overcome these deficiencies of Takahashi since Martens is directed to the specific characteristics of the different layers of a recording medium and has nothing to do with providing a pointer as position information indicating a position of a respective recording unit in the temporary defect list, as recited in Applicants' claims.

Therefore, Takahashi, either taken singularly or in combination with Martens, fails to anticipate or render obvious the invention as recited in independent claims 1, 26 and 48. Accordingly, independent claims 1, 26 and 48 and thier dependent claims (due to the dependency) are patentable over the applied reference(s), and reconsideration and withdrawal of the rejections based on these references are respectfully requested.

CONCLUSION

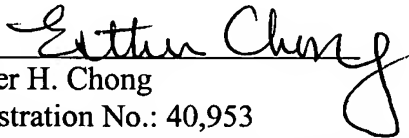
In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong Reg. No. 40,953 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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